

Social and economic protection of the family in the context of the european social charter

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Abstract

This article is devoted to the analysis of the legal protection of economic and social family rights in the context of the European Social Charter and practice of implementation of article 16 of the Charter by the States Parties. Main types of government assistance to families are considered: family allowances, tax benefits and other measures. Special attention is paid to the analysis and generalization of the conclusions of the supervising body of the Charter - the European Committee of Social Rights - on compliance by each party with all of the undertakings they have accepted under article 16 of the Charter. Typical cases of violation by the states of article 16 provisions of the Charter in the form of direct and indirect discrimination, first of all in the sphere of respect for the equal treatment principle are revealed. Authors concluded that despite a general positive tendency of providing the social and economic family rights with the states, quite often regulations of article 16 of the Charter are not carried out completely or partially. Authors prove the thesis that provisions of article 16 of the European Social Charter are not the rules of law functioning in full scale and they continue to remain legal regulations programs; their action will depend on economic opportunities and political will of the states.

Keywords

Economic and social rights, Equal treatment principle, Family protection, The European social charter, The Revised european social charter